

Christopher J. Drotzmann, OSB No. 962636
cdrotzmann@davisrothwell.com
Nicholas V. Beyer, OSB No. 193304
nbeyer@davisrothwell.com
DAVIS ROTHWELL EARLE & XÓCHIHUA P.C.
200 S.W. Market Street, Suite 1800
Portland, Oregon 97201
Tel: (503) 222-4422
Fax: (503) 222-4428

Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MALINDA BARTON,

Plaintiff,

v.

DAWSON LAW GROUP, PC, an Oregon
Professional Corporation, and BRYAN
DAWSON, individually

Defendants.

Case No.

**DEFENDANTS DAWSON LAW
GROUP, PC AND BRYAN
DAWSON'S NOTICE OF
REMOVAL UNDER 28 U.S.C. §§
1332, 1441, AND 1446 (DIVERSITY
OF CITIZENSHIP)**

Defendants Dawson Law Group, PC and Bryan Dawson (collectively, "Dawson"), by
and through their undersigned counsel, remove this action from the Multnomah County Circuit
Court of the State of Oregon, where it is currently pending, to the United States District Court

for the District of Oregon, Portland Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.¹

As addressed below, diversity jurisdiction exists in this action. *See* 28 U.S.C. § 1332(a). In support of this removal, Dawson states as follows and relies upon the exhibits attached hereto.

I. INTRODUCTION AND BACKGROUND

1. On or around October 13, 2022, plaintiff Malinda Barton filed a complaint in Oregon state court, initiating *Barton v. Dawson Law Group, PC*, State of Oregon, Multnomah County Circuit Court, Case No. 22CV35232 (the “State Court Action”). True copies of all pleadings filed in the State Court Action are attached hereto as Exhibit A. The caption was corrected via an amended complaint reflecting that it was in fact filed in Multnomah County as reflected in Exhibit A. Based upon information and belief, no other pleadings have been filed in the State Court Action.

2. In the Amended Complaint, Barton alleges she is entitled to \$1,493,757 in damages from Dawson for aiding and abetting commission of a fraud arising from Dawson’s provision of legal services to the Estate of Michael T. Barton, Barton’s deceased father. *See* Exhibit A, p. 40 (Amended Compl., Prayer).

3. As more fully explained below, this case is properly removed to this Court under 28 U.S.C. § 1441 because: (1) Dawson has satisfied the procedural requirements for removal; and (2) this Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1332 and 1441.

¹ By this removal, Dawson reserves all rights, including, but not limited to, defenses and objections as to venue, personal and/or subject-matter jurisdiction, and service of process, and this removal is subject to, and without waiver of, any such defenses and objections.

II. DEFENDANT HAS SATISFIED THE PROCEDURAL REQUIREMENTS FOR REMOVAL

4. Removal is timely pursuant to 28 U.S.C. § 1446(b) because less than thirty (30) days have passed since Plaintiff achieved service on Dawson. *See* Exhibit A, pp. 41-48 (Dawson served with Complaint on October 19, 2022 and Amended Complaint on November 4, 2022).

5. Pursuant to 28 U.S.C. § 117 and LR 3-2(a)(1), the United States District Court for the District of Oregon, Portland Division, is the federal judicial district and division embracing the Multnomah County Circuit Court of the State of Oregon, where this lawsuit was originally filed. Venue is thus proper because this is the “district and division embracing the place where such action is pending.” *See* 28 U.S.C. § 1441(a).

6. As required by 28 U.S.C. § 1446(a), Dawson is providing a copy of all process, pleadings, and orders served upon it, including the Summons, Complaint, and Amended Complaint which are attached hereto as Exhibit A.

7. No other defendants have been joined and served in this action that must consent to removal under 28 U.S.C. § 1446(b)(2)(A).

8. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being promptly served upon Plaintiff’s counsel and a copy is being filed with the Clerk of the Multnomah County Circuit Court of the State of Oregon. A true and correct copy of “Defendants Dawson Law Group, PC and Bryan Dawson’s Notice to State Court of Removal of Action Under 28 U.S.C. §§ 1332, 1441, and 1446 (Diversity of Citizenship)” filed in the Multnomah County Circuit Court of the State of Oregon is attached hereto as Exhibit B.

III. REMOVAL IS PROPER BECAUSE THE COURT HAS SUBJECT MATTER JURISDICTION UNDER 28 U.S.C. §§ 1332 AND 1441.

1. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1332 and 1441 because this is a civil action in which the amount in controversy exceeds \$75,000, exclusive of costs and interest, and is between citizens of different states.

Complete Diversity Exists Between the Parties

2. Upon information and belief, Plaintiff Malinda Barton is and, at the time of the filing of the action, was an individual citizen of the State of California, residing at 25408 Edgewood Road, Weed, California, 96094. *See* Exhibit A. p. 40 (Amended Compl.).

3. Defendant Dawson Law Group, PC is and, at the time of the filing of this action, was a professional corporation organized and existing under the laws of the State of Oregon, and having its principle place of business in Oregon. Exhibit C (Oregon Secretary of State Business Page – Dawson Law Group, PC). Therefore, Dawson Law Group, PC is a citizen of Oregon for purposes of determining diversity.

4. Defendant Bryan Dawson is an individual citizen of the State of Oregon.

5. Accordingly, this action involves “citizens of different States.” 28 U.S.C. § 1332(a)(1). Because Plaintiff is a California citizen, and no defendant properly joined and served is a citizen of the State of California, removal of this action is proper under 28 U.S.C. § 1441(b).

The Amount-In-Controversy Requirement is Satisfied

6. The amount-in-controversy requirement of 28 U.S.C. § 1332(a) is satisfied when it is facially apparent from the initial pleading that the jurisdictional threshold is met. *See* 28 U.S.C. § 1446(c)(2) (“[i]f removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a)... the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy.”)

7. In this case, it is clear from Plaintiff's Complaint that the "matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs." 28 U.S.C. § 1332(a).

Plaintiff seeks \$1,493,757. *See* Exhibit A, p. 21, 40 (Compl. Prayer; Amended Compl. Prayer).

WHEREFORE, defendants Dawson Law Group, PC and Bryan Dawson hereby remove this action from the Multnomah County Circuit Court of the State of Oregon to the United States District Court for the District of Oregon, Portland Division.

DATED this 14th day of November, 2022.

DAVIS ROTHWELL
EARLE & XÓCHIHUA P.C.



Christopher J. Drotzmann, OSB No. 962636

cdrotzmann@davisrothwell.com

Nicholas V. Beyer, OSB No. 193304

nbeyer@davisrothwell.com

Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANTS DAWSON LAW GROUP, PC AND BRYAN DAWSON'S NOTICE OF REMOVAL UNDER 28 U.S.C. §§ 1332, 1441, AND 1446 (DIVERSITY OF CITIZENSHIP)** on the following attorney(s) of record:

Mr. James R. Cartwright, OSB No. 750675 Cartwright Law PC 6500 S Macadam Avenue, Suite 300 Portland, OR 97239 Telephone: 503/226-0111 Facsimile: 503/226-3022 Email: jcartwright@cart-law.com <i>Of Attorneys for Plaintiff</i>	
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by mailing to the foregoing a true copy thereof, placed in a sealed envelope, with postage prepaid, addressed as listed above, and depositing the same in the United States mail through a post office at Portland, Oregon, on this day.

DATED this 14th day of November, 2022.

DAVIS ROTHWELL
EARLE & XÓCHIHUA P.C.



Christopher J. Drotzmann, OSB No. 962636
cdrotzmann@davisrothwell.com
Nicholas V. Beyer, OSB No. 193304
nbeyer@davisrothwell.com
Of Attorneys for Defendants

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

MALINDA BARTON,)
) Case No. 22CV35232
Plaintiff,)
) SUMMONS
v.)
)
DAWSON LAW GROUP, PC, and Oregon Professional Corporation,)
and BRYAN DAWSON individually,)
)
Defendants.)
)

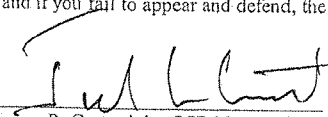
TO: Dawson Law Group, PC
c/o Law Office of Karen B. Dawson, P.C.
Karen B. Dawson, President
Registered Agent for Dawson Law Group, PC
5695 Hood St
West Linn, Oregon 97068

IN THE NAME OF THE STATE OF OREGON: You are hereby required to appear and defend the complaint filed against you in the above-entitled cause within 30 days from the date of service of this summons on you; and if you fail to appear and defend, the plaintiff will apply to the court for the relief demanded in the complaint.

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY

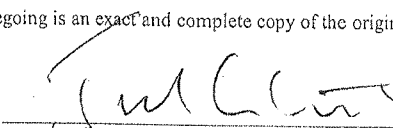
You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free in Oregon at (800) 452-7636.

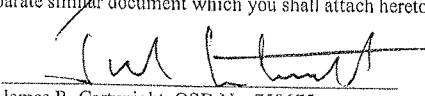

James R. Cartwright, OSB No. 750675
Cartwright Law PC
6500 S Macadam Ave, Suite 300
Portland, OR 97239
T: 503-226-0111

STATE OF OREGON)
) ss.
County of Multnomah)

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.



TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.


James R. Cartwright, OSB No. 750675

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

MALINDA BARTON,)
) Case No. 22CV35232
Plaintiff,)
) SUMMONS
v.)
)
DAWSON LAW GROUP, PC, and Oregon Professional Corporation,)
and BRYAN DAWSON individually,)
)
Defendants.)
)


TO: Bryan Dawson
5695 Hood St
West Linn, Oregon 97068

IN THE NAME OF THE STATE OF OREGON: You are hereby required to appear and defend the complaint filed against you in the above-entitled cause within 30 days from the date of service of this summons on you; and if you fail to appear and defend, the plaintiff will apply to the court for the relief demanded in the complaint.

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY

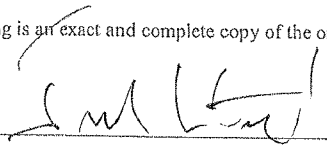
You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free in Oregon at (800) 452-7636.



James R. Cartwright, OSB No. 750675
Cartwright Law PC
6500 S Macadam Ave, Suite 300
Portland, OR 97239
T: 503-226-0111

STATE OF OREGON)
) ss.
County of Multnomah)

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.



TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.


James R. Cartwright, OSB No. 750675

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

MALINDA BARTON,

Plaintiff,

v.

DAWSON LAW GROUP, PC, an Oregon
Professional Corporation, and BRYAN
DAWSON, individually,

Defendants.

Case No.

COMPLAINT
(Aiding and Enabling Commission of a Fraud)
Jury Trial Requested

Filing Fee: \$884; ORS 21.160(1)(d)

NOT SUBJECT TO MANDATORY
ARBITRATION (Damages in excess of
\$50,000)

FOR HER COMPLAINT against Defendants Bryan Dawson and Dawson Law Group,
PC ("Defendants"), Plaintiff Malinda Barton alleges, as follows:

(Aiding and Enabling Commission of a Fraud)

1.

The Parties and Other Significant Persons

Michael T. Barton, decedent. Died February 6, 2018 while in the custody of the State of
Oregon at the Oregon State Penitentiary in Salem, Oregon.

Stephen Brown, brother of decedent.

Terrill Tatum Barton, sister of decedent.

Malinda Barton, biological daughter of decedent.

1 **Courtney Barton**, daughter of decedent. Died on September 9, 2004, predeceasing her
2 father Michael T. Barton and leaving no issue.

3 **Donna Lockard**, mother of Malinda Barton and Courtney Barton. Died November 1, 2010.

4 **Anthony Tatum**, nephew of decedent.

5 **Amanda Jean Barton**, niece of decedent.

6 **Bryan W. Dawson**, attorney for Stephen Brown, as personal representative of the Estate
7 of Michael T. Barton.

8 **Dawson Law Group, PC**, an Oregon domestic professional corporation.

9 2.

10 Michael T. Barton died of influenza on February 6, 2018 while in the custody of the State
11 of Oregon at the Oregon State Penitentiary in Salem, Oregon. Following his death, several
12 witnesses contacted Disability Rights Oregon (DRO) seeking an investigation into the
13 circumstances of his death. The witnesses believed that Michael T. Barton's death was the result
14 of negligence on the part of the Oregon Department of Corrections and the medical personnel
15 employed by the healthcare system at the Oregon State Penitentiary. DRO subsequently
16 conducted an investigation into the circumstances of Michael. T. Barton's death.

17 3.

18 In June 2019, DRO contacted "Mr. Barton's family" and informed them of the actual
19 circumstances of his death and the ongoing DRO investigation. Plaintiff Malinda Barton was not
20 among those persons contacted by DRO. Plaintiff Malinda Barton alleges on information and
21 belief that her uncle Stephen Brown was among the family members contacted by DRO.
22 Plaintiff Malinda Barton will move to amend this factual narrative after document and deposition
23 discovery has been completed.

24 4.

25 On or before July 3, 2019, Stephen Brown contacted attorney Bryan Dawson of Dawson
26 Law Group, PC (herein "Dawson") about the possibility of filing a civil lawsuit against the

1 Oregon Department of Corrections (ODOC) for their negligence in Michael Barton's death.
2 Stephen Brown informed Dawson of the investigation being conducted by the DRO. On July 3,
3 2019, Dawson asked Stephen Brown to "let me know if you get permission to show us [Dawson]
4 the report."

5 5.

6 On July 22, 2019, DRO issued their full 28-page investigative report ("DRO report") that
7 concluded:

8 "Although DRO shares ODOC's opinion that Mr. Barton's death was attributable
9 to a system failure, we do not agree with the idea that no fault should be attributed
10 to individual actors. Indeed, it is our belief that the conduct of the nurses who
11 responded to Mr. Barton's cell during the last days of his life were surely
12 negligent, if not deliberately indifferent, to the harms that ended his life."

11 6.

12 The release of the DRO report was reported in the Oregonian/Oregon Live on July 22,
13 2019. The title of the article was "Disability Rights OR says negligence by prison nurse, medical
14 staff caused inmate's death." Stephen Brown emailed a link to that article to Dawson on that
15 same day, July 22, 2019.

16 7.

17 Disability Rights Oregon is well-known in the legal community as a non-profit advocacy
18 group with authority granted by the federal government to act as a watchdog for people with
19 disabilities.

20 8.

21 Defendant Bryan Dawson was admitted to the Oregon State Bar in 1999. Dawson Law
22 Group, PC is an Oregon domestic professional corporation formed in 1981. At all material times
23 herein, Defendant Bryan Dawson was and is the president of Dawson Law Group, PC. At all
24 material times herein, Bryan Dawson was acting as the agent for and the benefit of Dawson Law
25 Group, PC.

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9.

Defendants Dawson Law Group, PC and Bryan Dawson (herein “Dawson”) represent themselves to the community as “experienced Oregon personal injury attorneys [who] have helped injured victims for over five decades.” Dawson advertises their experience and success in achieving excellent results in serious injury and wrongful death cases.

10.

The DRO report provided substantial support for a major wrongful death claim, both as to liability and damages.

11.

At all material times herein, Dawson knew that only the duly-appointed personal representative of the probate estate of a decedent would have standing to file a wrongful death complaint. As such, Dawson knew that he needed the personal representative of the estate to be his client in order to file the wrongful death complaint. On July 30, 2019, no probate estate had yet been opened for Michael T. Barton and Stephen Brown had not yet been appointed as his personal representative.

12.

On or about July 30, 2019, Dawson emailed Stephen Brown, stating:
“[i]f you want us to represent the estate, please return the signed fee agreement and we’ll send the notice of claim letter(s) out.”

13.

On or about August 2, 2019, Stephen Brown, purporting to be acting in his capacity as personal representative of the estate of Michael T. Barton, deceased – even though he had not yet been appointed as such -- signed a contingent fee agreement with Dawson Law Group, PC and returned a scan of that document to Dawson. This contingent fee agreement gave Dawson a contractual right to thirty-three percent (33%) of any damages received in settlement or through
/// /// ///

1 judgment. The value of this signed agreement to Dawson is demonstrated by the fact that
2 \$1,000,000 was eventually distributed to Dawson per its terms.

3 14.

4 The transmittal email of August 2, 2019 from Stephen Brown to Dawson stated,
5 “[a]s per our conversation on the phone, we agreed that the fees in this agreement
6 would not be charged to me personally. Please let me know what you think about
the other issue [issue] that we spoke about.”

7 Based upon information and belief, the “other issue” referenced in the email sent August
8 2, 2019 was the inconvenient fact that Malinda Barton was the biological child of Michael
9 Barton, making her the only person who had a beneficial interest in her father’s estate, the only
10 person who had any *bona fide* interest in any legal proceedings, the preferred personal
11 representative under ORS 113.085, and entitling her to notice of any probate proceedings under
12 ORS 113.145/ORS 114.456. The last of these issues, namely that Plaintiff Malinda Barton was
13 entitled to be notified of these proceedings, would be the topic of much discussion between
14 Dawson and his client in coming months, as set forth below.

15 15.

16 On August 6, 2019, Dawson replied to Stephen Brown’s August 2, 2019 email, stating:

17 “[a]bout the potential daughter [Malinda Barton] whether your brother [Michael
18 Barton] appeared on her birth certificate will be very important. What is her legal
19 name, where has she lived at any time, where was she born? I will look more into
this issue in a few days when I finish with depositions.”

20 16.

21 Dawson knew that he had a problem. He had a signed contingency fee agreement for
22 what he knew was likely to be a highly profitable and ground-breaking case against the State of
23 Oregon and other parties. However, that contingent fee agreement had been signed by “Stephen
24 Brown, [a]s Personal Representative of the Estate of Michael Thomas Barton.” In order to keep
25 this substantial case and the opportunity it would provide for Dawson to gain both the financial
26 benefits and the reputation-enhancing benefits of winning this promising wrongful death case,

1 Dawson needed to ensure that Stephen Brown -- and not any other party -- was appointed as
2 personal representative for the Estate of Michael Barton. The actions taken by Bryan Dawson,
3 the Dawson Law Group, PC, and Stephen Brown in the following months to ensure that Malinda
4 Brown was not made aware of either the filing of the petition to open the estate or the wrongful
5 death action included misrepresenting Dawson's knowledge and actions in their filings with the
6 Marion County Circuit Court and the conscious decision to take whatever steps they deemed
7 necessary to prevent Plaintiff Malinda Barton from learning of the probate, the lawsuit, the
8 settlement, and the distribution of the settlement proceeds. As alleged below, those actions
9 constituted a fraudulent failure to disclose material facts intended to deceive and defraud
10 Malinda Barton, and Defendant Dawson was complicit in that fraud. At all material times herein,
11 Dawson enabled and aided Stephen Brown to commit what Dawson and Stephen Brown knew to
12 be a fraud against Malinda Barton.

13 17.

14 ORS 113.035(5) requires that a petition for appointment of a personal representative include
15 the names, relationship to the decedent, and post-office addresses of persons who are or would be
16 the heirs of the decedent upon the intestate death of the decedent. ORS 113.035(6) requires that the
17 petition include a statement that reasonable efforts have been made to identify and locate all heirs of
18 the decedent. If the petitioner in a probate knows of any actual or possible omissions from the list of
19 heirs, the petition must include a statement indicating that there are omissions from the information
20 relating to heirs. These requirements are again specifically set forth in ORS 114.453(2)-(3) which
21 addresses probate estates opened for the sole purpose of pursuing a wrongful death claim. The sole
22 difference between the requirements of ORS 113.035 (5)-(6) and ORS 114.453(2)-(3) is that one
23 requires notice to heirs and the other to beneficiaries. However, Plaintiff Malinda Barton was and is
24 Michael Barton's sole surviving biological child, his only surviving intestate heir, and his only
25 wrongful death beneficiary, and she should have received notice in either circumstance.

26 /// /// ///

18.

The Petition for Appointment of Personal Representative filed in the Marion County Circuit Court as 19PB08559 on November 9, 2019 ("Petition") contained Stephen Brown's sworn statement that, "Petitioner is aware of no person or persons who ascertain interest in the estate other than those named herein." This statement is false. The Petition listed Stephen Brown and Terrill Tatum Brown as the only heirs of the decedent. This statement is also false. At the time that the Petition was filed, Bryan Dawson, Stephen Brown, and Terrill Barton Tatum were all aware that this statement was untrue.

19.

On August 15, 2019, Stephen Brown had texted his sister Terrill Barton Tatum, and stated:

"I talked with the lawyer [Bryan Dawson] again today and he said if she is his daughter, everything could go to her [Malinda] if we filed the lawsuit."

20.

On October 4, 2019, Dawson emailed Stephen Brown, stating:

"Stephen please take a stab at locating her through family connections, etc. What we may do is try to find her, and I may hire a private investigator, and then tell the court that we did everything reasonable but couldn't make contact. If you do reach her, maybe propose a 50% split with you doing the labor to try to pursue the claim."

Brown replied,

"I can find her, no need to hire a private investigator. The question is: can we have her do a blood test? Second question: is she listed as his daughter on the birth cert.? if so, does that stand? Or, does she need blood proof? I don't believe she is his blood. Would her address or phone number be better for you? I'll ask my sister to try to get the info. Wouldn't it be a 33% split with her, myself and my sister? If my sister signed off due to not wanting to have her Social Security screwed up it would be a %50 split."

Dawson responded,

"100% goes to a child, so that's vital. I'll check my Lexis report to see if a father's listed. You may be able to get her birth certificate, I'll check."

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21.

However, Stephen Brown already knew where his niece Malinda Barton lived and how to reach her. He had texted her almost two months prior. On August 15, 2019, Stephen Brown had sent Malinda Barton the following message via Facebook Messenger,

“Hi Mindy. How are you? What’s your address and birthday?”
‘Mindy’ was Malinda Barton’s childhood nickname.

22.

The problem with locating Malinda Barton was not that Stephen Brown was unable to do so; rather, the issue was that Brown had no intention of pursuing the wrongful death litigation if the proceeds would go to Malinda Barton. The failure to provide her with notice of these proceedings was deliberate.

23.

On July 25, 2019, Stephen Brown texted his sister Terrill Tatum Barton, saying:
“Honestly, if you [Terrill] tell him [her son Anthony] and he tells Melinda [sic], I’m not even interested in moving forward. I don’t want to put myself through all that shit just to benefit someone [Malinda] who hated Mike.”

24.

On October 7, 2019, Stephen Brown emailed Dawson and told him that he had Malinda Barton’s phone number. Dawson replied,

“Good work. Hold off on calling her until I figure out if we can get her birth certificate.”

On October 21, 2019, Dawson emailed Stephen Brown, stating:
“I’m fine with just submitting the papers to have you appointed as the personal representative. This leaves some risk that Malinda could emerge later with a birth certificate and take all of the money recovered. This appears to be unlikely because Michael isn’t listed as her relative on the Lexis report.”

Stephen Brown replied,
“I feel pretty confident moving forward.”

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25.

Dawson proceeded to file the Petition to open the estate and appoint Stephen Brown as personal representative without first contacting Malinda Barton.

26.

Under ORS 113.035(6), Dawson was required to notify the Court of Malinda Barton’s status as a potential heir in the petition to open the estate. However, rather than making a statement that reasonable efforts had been made to identify and locate all heirs of the decedent and a statement indicating that there were omissions from the information relating to heirs, Dawson included the following carefully worded language,

“Petitioner is aware of no person or persons who ascertain interest in the estate other than those named herein.”

It is unclear exactly what “ascertain interest in the estate” is supposed to have meant, but there can be no question that Dawson was aware that there was another party with an interest or potential interest in the estate, namely Malinda Barton. Dawson also specifically added the word “*known*” when providing a list of the heirs in Section 5 of the Petition, “Information regarding the *known* heirs of the decedent,” apparently so that he could omit Malinda Barton, the potential, rather than known, heir.

27.

The Petition was filed on November 4, 2019, and on December 9, 2019, Stephen Brown was appointed personal representative for the Estate of Michael T. Barton in Marion County Case No. 19PB08559. Once Stephen Brown was appointed, he continued his efforts to exclude Malinda Barton from the estate of her father and wrongful death proceedings.

28.

ORS 113.145 requires that, “[u]pon appointment a personal representative shall deliver or mail to the devisees, heirs and the persons described in ORS 113.035 (8) and (9) who were required to be named in the petition for appointment of a personal representative...” ORS

1 114.456, which specifically sets forth the requirements for administration of a wrongful death
2 estate, has the same requirement that “[a] personal representative appointed under ORS 114.453
3 shall deliver or mail to the beneficiaries at their last-known address information that must
4 include...” Upon his client’s appointment as personal representative, Dawson and Stephen
5 Brown had both an opportunity to correct the (intentional) omission of Malinda Barton from the
6 list of heirs in the petition, and a statutory obligation to do so.

7 29.

8 Despite the mandatory requirements of ORS 113.145/ORS 114.456, no Notice was sent
9 to Plaintiff Malinda Barton at the time of Stephen Brown’s appointment.

10 30.

11 On January 24, 2020, Dawson, as the attorney for Stephen Brown, Personal
12 Representative of the Estate of Michael Barton, filed Marion County Case No. 20CV04714. The
13 21-page Complaint for negligence, negligence *per se*, violations of civil rights, wrongful death,
14 disability discrimination, and spoliation sought compensatory and punitive damages of
15 \$120,000,000. The case was eventually removed to federal court.

16 31.

17 According to the Petition for Approval and Authority to Settle Wrongful Death Claim
18 and Supporting Declaration of Bryan Dawson filed in the estate proceeding on October 20,
19 2020, a second mediation on the federal wrongful death case resulted in a proposed settlement of
20 \$3,000,000. The Petition included a breakdown of how the funds from the proposed settlement
21 would be distributed, including \$1,899,757.39 to the “Intestate Heirs.” At all material times
22 through and including this date Plaintiff Malinda Barton had not been provided with any form of
23 notice of the probate, the lawsuit, the meditations, or the proposed settlement. Further, she had
24 no actual notice of any of these proceedings.

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32.

On October 29, 2020, Dawson filed a “Statement Under ORS 116.083(4) in Lieu of Final Accounting and Petition for General Judgment of Final Distribution” (Verified Statement) seeking authorization to pay the Personal Representative and attorney fees and costs and distribute the assets of the Estate. Page 3 of the Verified Statement included the statement that, “[n]o Notice is required because the beneficiaries entitled to notice have waived the requirement that they be served with notice and have signed a Waiver of Notice and Consent. The Waiver and Consents are filed concurrently with this Verified Statement.” This statement was false, and Dawson knew it was false when it was made.

33.

A document filed concurrently with the Verified Statement on October 29, 2020, titled “Waiver and Consent of Heirs,” was signed only by Terrill Barton Tatum, Amanda Jean Barton, and Stephen Brown. Dawson had again failed to follow the statutory requirements regarding notice prior to attempting to close the estate. ORS 113.145(5) states:

- “If before the filing of the final account the personal representative has actual knowledge that the petition did not include the name and address of any person described in ORS 113.035 (4), (5), (7), (8) or (9), the personal representative shall:
- (a) Make reasonable efforts under the circumstances to ascertain each of those names and addresses;
 - (b) Promptly deliver or mail information specified in subsection (1) of this section to each of those persons located after the filing of the petition and before the filing of the final account; and
 - (c) File in the estate proceeding, on or before filing the final account under ORS 116.083, proof of compliance with this subsection or a waiver of notice as provided under ORS 111.225.”

ORS 114.456(4) requires the same notice to beneficiaries of wrongful death estates. Again, despite these statutory requirements, Plaintiff Malinda Barton was not given notice despite Dawson and Stephen Brown’s knowledge of her status and whereabouts.

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34.

On October 20, 2020, the Marion County Probate Department issued a notice to Bryan Dawson as the attorney for the Personal Representative in response to the submission of a proposed order approving the wrongful death settlement. That notice stated that,

“PER JUDICIAL REVIEW 1) NO WRONGFUL DEATH ASSETS, ALL PROBATE REQUIREMENTS MUST BE MET BEFORE DISTRIBUTION. 2) TO HAVE THE SETTLEMENT APPROVED, INFORMATION TO DHS AND NOTICE OF TIME TO OBJECT TO THE HEIRS (OF THE MOTION TO APPROVE SETTLEMENT) W/PROOF OF SERVICE IS REQUIRED.”

35.

On November 6, 2020, Dawson’s office filed Waivers of Notice and Consent to Personal Representative’s Petition for Approval and Authority to Settle Wrongful Death Claim signed by Terrill Barton Tatum, Amanda Jean Barton, and Stephen Brown. Also filed was an Affidavit of Mailing the information required by ORS 113.145/ORS 114.456 to the Oregon Department of Human Services/Estate Administration Unit. However, once again, despite the clear requirements of ORS 113.145/ORS 114.456 to provide notice to the heirs/wrongful death beneficiaries of the decedent and the Personal Representative and Dawson’s knowledge of Malinda Barton’s whereabouts, no notice was sent to Malinda Barton.

36.

On November 12, 2020, Bryan Dawson wrote a letter to the Marion County Probate Judge asking the Court to expedite the approval of the settlement and distribution of the settlement proceeds. In his letter, Dawson asked the Court to excuse his failure to follow the probate requirements based on his lack of information about the decedent and his assets. Dawson acknowledged that his client, the decedent’s half-brother, had little contact in the years prior to Michael Barton’s death. Dawson’s letter stated that,

“...my primary source for information about the decedent came from a Mental Status Evaluation dated March 9, 2017, which we received during discovery in the wrongful death lawsuit. The report confirmed that Mr. Barton's only surviving heirs were his siblings. The report also showed that Mr. Barton had several mental health disorders, a history of drug and alcohol abuse, and a long criminal record.

1 The evaluation assessed whether Mr. Barton could be found culpable for an
2 alleged March 2, 2016 bank robbery...The report concluded that Mr. Barton felt
remorse for his crime but otherwise lacked capacity.”

3 Dawson then asked the Court to bifurcate the handling of the \$6,000 in probate assets from
4 the \$3,000,000 in wrongful death proceeds, as “Mr. Barton’s heirs have significant need to
5 receive funds in the near future.” Dawson stated that “[w]e intend to follow all of the other
6 requirements concerning the non wrongful death funds.”

7 37.

8 Dawson’s statements in his letter to the Probate Court were false. He was not relying
9 solely on the Mental Status Evaluation as he claimed, as he had information from his own client
10 that there was another heir – namely Malinda Barton, the decedent’s daughter.

11 38.

12 On November 13, 2020, the Honorable Claudia Burton signed an Order approving the
13 wrongful death settlement of \$3,000,000. Malinda Barton, the decedent’s sole surviving intestate
14 heir and wrongful death beneficiary under Oregon statutes, had never been given an opportunity to
15 see the proposed settlement or review its terms. In fact, she had never even been provided notice
16 of the opening of her father’s estate or the filing of the wrongful death action.

17 39.

18 Having obtained approval of the settlement, Dawson and Brown moved forward with
19 filing a Petition for Approval to Distribute Wrongful Death Damages on November 18, 2020.
20 Once again, the Petition contained an assertion that “[a]ll the heirs have waived their right to
21 notice and have consented to this petition and proposed order.” This statement was false, and
22 Dawson and Stephen Brown knew it was false when made. Consents and waivers signed by
23 Terrill Barton Tatum, Amanda Jean Barton, and Stephen Brown were filed, but no notice had
24 given to Malinda Barton and she did not consent to the petition and proposed order.

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1 40.

2 The Probate Court issued a notice to Dawson on November 19, 2020, asking for
3 clarification regarding the amount of the proposed distribution to Dawson's client, Stephen
4 Brown. In response to that notice, Dawson filed a letter that included the following:

5 "Thank you for the November 19, 2020 letter concerning the proposed
6 ORDER TO DISTRIBUTE WRONGFUL DEATH DAMAGES. The paragraph
7 C distribution to Stephen Brown does not include the personal representative fee.
The three beneficiaries agreed to this arrangement based on Mr. Brown being the
person who pursued this claim from the beginning.

8 "Mr. Brown participated in the investigation by Disability Rights Oregon
9 which brought to light the circumstances of Michael Barton's death. Mr. Brown
then retained counsel, gave a very effective deposition, attended two mediations,
10 and was active in the wrongful death lawsuit through several meetings and dozens
of phone calls and emails with counsel. He not only fulfilled the office of personal
11 representative, but was the key person who prevented Mr. Barton's death from
passing into obscurity.

12 "The other heirs agreed to the apportionment based on Mr. Brown's
13 indispensable role."

14 41.

15 Dawson continued to disregard Malinda Barton's status as the decedent's biological
16 child, intestate heir, and wrongful death beneficiary. The "other heirs" that agreed to the
17 proposed distribution of wrongful death damages did not include Malinda Barton.

18 42.

19 The Court approved the distribution of \$2,939,369.55 of the wrongful death settlement to
20 Dawson, Terrill Barton Tatum, Amanda Jean Barton, and Stephen Brown on November 24,
21 2020. Dawson had now accomplished his primary goals: he had settled the case against ODOC
22 and others, received his \$1 million contingency fee plus his advanced costs, and distributed a
23 combined total of \$1,893,757.39 to Stephen Brown Amanda Barton, and Terrill Barton Tatum.
24 His final task was to get his client discharged as personal representative and close the estate.

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1 43.

2 Even though the Probate Court was requiring proof that the required notices under ORS
3 113.145/ORS 114.456 had been sent, Dawson and his client continued to try to keep Malinda
4 Barton from learning about the probate estate and the settlement. The Affidavit of Mailing filed
5 on January 8, 2021, only listed mailings to Terrill Barton Tatum, Amanda Jean Barton, and
6 Stephen Brown. Nothing was mailed to Malinda Barton.

7 44.

8 Dawson's office also finally published the required Notice to Interested Persons on
9 January 12, 19, and 26, 2021.

10 45.

11 On or about May 11, 2021, Malinda Barton found an article published in the Salem
12 Statesman Journal on January 29, 2020 detailing the wrongful death lawsuit. She contacted her
13 aunt, Terrill Tatum Barton, via Facebook Messenger to confirm that she, Michael Barton's sole
14 heir, had been intentionally left out of the lawsuit and denied her share of the settlement
15 proceeds. Stephen Brown and Terrill Barton Brown responded by blocking her from
16 communicating with them. Stephen Brown then deleted his Facebook account. Text messages
17 between Terrill Tatum Barton and Stephen Brown demonstrate their escalating concern that they
18 were about to be found out.

19 46.

20 Malinda Barton also contacted Bryan Dawson's office by email on May 11, 2021
21 identifying herself as Michael Barton's daughter. Her email stated that she was in frequent
22 contact with both her aunt Terrill Barton Tatum and her uncle Stephen Brown, and that they had
23 always known how to contact her. Malinda Barton, believing that her uncle and aunt had never
24 told Dawson of her existence, asked Dawson for his help. Dawson replied via email on May 12,
25 2021 that he was out of the office on vacation but would respond to her when he returned to the
26 office on Wednesday (presumably May 19, 2021).

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47.

On May 21, 2021, Dawson sent Malinda a letter via email asking her to provide her birth certificate. Malinda replied that day acknowledging that she had received the letter.

48.

The next known action by Dawson and his client was not to provide Malinda Barton with more information and/or send her the notices she was entitled to receive as Michael Barton’s child, heir, and wrongful death beneficiary. Instead, on or about June 4, 2021, Dawson submitted a proposed Order approving the Verified Statement he had filed on October 29, 2020. However, the Probate Court issued yet another notice informing Dawson that the proposed order could not be signed because he had not filed a satisfaction or disallowance of a claim filed by General Credit Service, Inc.

49.

Dawson and his client proceeded to try to close the estate before Malinda Barton could take any effective action. Dawson reached out to another attorney well-known in the local community for handling estate administration to get assistance in closing the estate proceeding. The attorney officially substituted in for Dawson on June 8, 2021.

50.

On July 15, 2021, the new attorney sent Malinda Barton a custom-crafted “Notice of Time to Object” that combined elements of the statutorily required information to heirs and a notice of time to object to a final accounting. That notice read, in part:

“Be aware that if you present proof to the probate court sufficient that it determines you are an heir of decedent you will have rights that will be affected by this proceeding.

Any such effort will be barred unless you file appropriate pleadings in the probate matter within 23 days of the date of mailing of this notice.”

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1 51.

2 While 23 days is the required objection period for a final estate accounting, it is certainly
3 not the period of time intended to be provided for an heir or beneficiary to assert an interest in an
4 estate. Based upon information and belief it appears probable that Dawson and Stephen Brown
5 were hoping that, by providing this artificially short time for Malinda Barton to object, that she
6 would be unable to retain counsel to assist her in filing the necessary objections.

7 52.

8 Texts between Terrill Tatum Barton and Stephen Brown on or about July 15, 2021
9 discuss the need to wait three weeks “to get to the finish line” when there would be “no more
10 stress.” Stephen Brown cautioned his sister Terrill not to spend any money for the next two
11 weeks “because if you are patient, things could possibly be fine or fucked. Just chill in your
12 garden or go to the lake for 2 weeks.” Stephen went on to say that, “I have been told I can’t buy a
13 home till [sic] it’s over. I am the one who is doing all the work still. All you have to do is fucking
14 chill.”

15 53.

16 On August 3, 2021, Malinda Barton, by and through counsel, filed a Notice of
17 Appearance and Objection. Included as Exhibit A to that Notice was a copy of Malinda Barton’s
18 birth certificate listing Michael Barton as her father.

19 54.

20 Malinda Barton eventually settled her claims against Stephen Brown and Terrill Tatum
21 Barton via a settlement agreement signed on October 28, 2021. That settlement was based on
22 factors other than the merits of Malinda Barton’s claims. She did not, however, settle or release
23 her claims against Bryan Dawson and the Dawson Law Group, PC.

24 55.

25 At all material times herein, Stephen Brown as personal representative of the estate of
26 Michael T. Barton, deceased, owed fiduciary duties to Malinda Barton. Those fiduciary duties

1 included the providing of the notices required by the probate statues, and to provide her with the
2 material facts that she would have needed to protect her interests. At all material times herein,
3 Stephen Brown knowingly and intentionally breached the fiduciary duties which he owed to her,
4 as alleged above. At all material times herein, Defendants Bryan Dawson and Dawson Law
5 Group, PC were aware of the existence of Malinda Barton and her potential claims as an heir of
6 Michal Barton and wrongful death beneficiary.

7 56.

8 At all material times herein, Defendants Bryan Dawson and Dawson Law Group, PC
9 were aware of the fiduciary duties owed by Stephen Brown, as personal representative, to
10 Malinda Barton. At all material times herein, Defendants Bryan Dawson and Dawson Law
11 Group, PC were aware that Stephen Brown was breaching his fiduciary duties owed to Malinda
12 Barton. At all material times herein, Defendants Bryan Dawson and Dawson Law Group, PC
13 colluded with and knowingly assisted Stephen Brown in committing the breaches of fiduciary
14 duties, as alleged above. This collusion with Stephen Brown and Dawson's assistance to him in
15 breaching his fiduciary duties constituted a fraud on Malinda Barton, as it was done, in part, to
16 protect Dawson's contingency fee agreement and Dawson's contractual interest to one-third
17 (33%) of the damages obtained through the settlement. Dawson's collusion and assistance was a
18 substantial factor in causing harm to Malinda Barton.

19 57.

20 After all just credits and offsets have been made, Plaintiff Malinda Barton has been
21 damaged by Bryan Dawson and the Dawson Law Group, PC in the sum of \$1,493,757.

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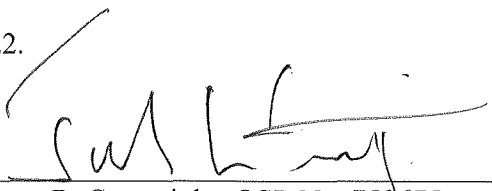
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1 WHEREFORE, Plaintiff Malinda Barton prays for judgment against Defendants Bryan
2 Dawson and Dawson Law Group, PC, jointly and severally, in the sum of \$1,493,757, plus
3 interest at the statutory rate from November 24, 2020 until paid.

4
5 DATED this th 13 day of October, 2022.

6
7 
8 _____
9 James R. Cartwright, OSB No. 750675
10 Attorney for Plaintiff
11

12 **PLAINTIFF**

13 Malinda Barton
14 25408 Edgewood Road
15 Weed, California 96094

16 **ATTORNEY FOR PLAINTIFF**

17 James R. Cartwright, OSB No. 750675
18 Cartwright Law PC
19 6500 S Macadam Ave, Suite 300
20 Portland, OR 97239
21 t: 503.226.0111
22 f: 503.226.3022
23 e: jcartwright@cart-law.com
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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MALINDA BARTON,

Plaintiff,

v.

DAWSON LAW GROUP, PC, an Oregon
Professional Corporation, and BRYAN
DAWSON, individually,

Defendants.

Case No. 22CV35232

AMENDED (CORRECTED) COMPLAINT
(Aiding and Enabling Commission of a Fraud)
Jury Trial Requested

Filing Fee:

NOT SUBJECT TO MANDATORY
ARBITRATION (Damages in excess of
\$50,000)

FOR HER AMENDED (CORRECTED) COMPLAINT against Defendants Bryan Dawson
and Dawson Law Group, PC ("Defendants"), Plaintiff Malinda Barton alleges, as follows:

(Aiding and Enabling Commission of a Fraud)

1.

The Parties and Other Significant Persons

Michael T. Barton, decedent. Died February 6, 2018 while in the custody of the State of
Oregon at the Oregon State Penitentiary in Salem, Oregon.

Stephen Brown, brother of decedent.

Terrill Tatum Barton, sister of decedent.

Malinda Barton, biological daughter of decedent.

1 **Courtney Barton**, daughter of decedent. Died on September 9, 2004, predeceasing her
2 father Michael T. Barton and leaving no issue.

3 **Donna Lockard**, mother of Malinda Barton and Courtney Barton. Died November 1, 2010.

4 **Anthony Tatum**, nephew of decedent.

5 **Amanda Jean Barton**, niece of decedent.

6 **Bryan W. Dawson**, attorney for Stephen Brown, as personal representative of the Estate
7 of Michael T. Barton.

8 **Dawson Law Group, PC**, an Oregon domestic professional corporation.

9 2.

10 Michael T. Barton died of influenza on February 6, 2018 while in the custody of the State
11 of Oregon at the Oregon State Penitentiary in Salem, Oregon. Following his death, several
12 witnesses contacted Disability Rights Oregon (DRO) seeking an investigation into the
13 circumstances of his death. The witnesses believed that Michael T. Barton's death was the result
14 of negligence on the part of the Oregon Department of Corrections and the medical personnel
15 employed by the healthcare system at the Oregon State Penitentiary. DRO subsequently
16 conducted an investigation into the circumstances of Michael. T. Barton's death.

17 3.

18 In June 2019, DRO contacted "Mr. Barton's family" and informed them of the actual
19 circumstances of his death and the ongoing DRO investigation. Plaintiff Malinda Barton was not
20 among those persons contacted by DRO. Plaintiff Malinda Barton alleges on information and
21 belief that her uncle Stephen Brown was among the family members contacted by DRO.
22 Plaintiff Malinda Barton will move to amend this factual narrative after document and deposition
23 discovery has been completed.

24 4.

25 On or before July 3, 2019, Stephen Brown contacted attorney Bryan Dawson of Dawson
26 Law Group, PC (herein "Dawson") about the possibility of filing a civil lawsuit against the

1 Oregon Department of Corrections (ODOC) for their negligence in Michael Barton's death.
2 Stephen Brown informed Dawson of the investigation being conducted by the DRO. On July 3,
3 2019, Dawson asked Stephen Brown to "let me know if you get permission to show us [Dawson]
4 the report."

5 5.

6 On July 22, 2019, DRO issued their full 28-page investigative report ("DRO report") that
7 concluded:

8 "Although DRO shares ODOC's opinion that Mr. Barton's death was attributable
9 to a system failure, we do not agree with the idea that no fault should be attributed
10 to individual actors. Indeed, it is our belief that the conduct of the nurses who
11 responded to Mr. Barton's cell during the last days of his life were surely
12 negligent, if not deliberately indifferent, to the harms that ended his life."

11 6.

12 The release of the DRO report was reported in the Oregonian/Oregon Live on July 22,
13 2019. The title of the article was "Disability Rights OR says negligence by prison nurse, medical
14 staff caused inmate's death." Stephen Brown emailed a link to that article to Dawson on that
15 same day, July 22, 2019.

16 7.

17 Disability Rights Oregon is well-known in the legal community as a non-profit advocacy
18 group with authority granted by the federal government to act as a watchdog for people with
19 disabilities.

20 8.

21 Defendant Bryan Dawson was admitted to the Oregon State Bar in 1999. Dawson Law
22 Group, PC is an Oregon domestic professional corporation formed in 1981. At all material times
23 herein, Defendant Bryan Dawson was and is the president of Dawson Law Group, PC. At all
24 material times herein, Bryan Dawson was acting as the agent for and the benefit of Dawson Law
25 Group, PC.

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9.

Defendants Dawson Law Group, PC and Bryan Dawson (herein “Dawson”) represent themselves to the community as “experienced Oregon personal injury attorneys [who] have helped injured victims for over five decades.” Dawson advertises their experience and success in achieving excellent results in serious injury and wrongful death cases.

10.

The DRO report provided substantial support for a major wrongful death claim, both as to liability and damages.

11.

At all material times herein, Dawson knew that only the duly-appointed personal representative of the probate estate of a decedent would have standing to file a wrongful death complaint. As such, Dawson knew that he needed the personal representative of the estate to be his client in order to file the wrongful death complaint. On July 30, 2019, no probate estate had yet been opened for Michael T. Barton and Stephen Brown had not yet been appointed as his personal representative.

12.

On or about July 30, 2019, Dawson emailed Stephen Brown, stating:
“[i]f you want us to represent the estate, please return the signed fee agreement and we’ll send the notice of claim letter(s) out.”

13.

On or about August 2, 2019, Stephen Brown, purporting to be acting in his capacity as personal representative of the estate of Michael T. Barton, deceased – even though he had not yet been appointed as such -- signed a contingent fee agreement with Dawson Law Group, PC and returned a scan of that document to Dawson. This contingent fee agreement gave Dawson a contractual right to thirty-three percent (33%) of any damages received in settlement or through

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1 judgment. The value of this signed agreement to Dawson is demonstrated by the fact that
2 \$1,000,000 was eventually distributed to Dawson per its terms.

3 14.

4 The transmittal email of August 2, 2019 from Stephen Brown to Dawson stated,
5 “[a]s per our conversation on the phone, we agreed that the fees in this agreement
6 would not be charged to me personally. Please let me know what you think about
the other issue [issue] that we spoke about.”

7 Based upon information and belief, the “other issue” referenced in the email sent August
8 2, 2019 was the inconvenient fact that Malinda Barton was the biological child of Michael
9 Barton, making her the only person who had a beneficial interest in her father’s estate, the only
10 person who had any *bona fide* interest in any legal proceedings, the preferred personal
11 representative under ORS 113.085, and entitling her to notice of any probate proceedings under
12 ORS 113.145/ORS 114.456. The last of these issues, namely that Plaintiff Malinda Barton was
13 entitled to be notified of these proceedings, would be the topic of much discussion between
14 Dawson and his client in coming months, as set forth below.

15 15.

16 On August 6, 2019, Dawson replied to Stephen Brown’s August 2, 2019 email, stating:

17 “[a]bout the potential daughter [Malinda Barton] whether your brother [Michael
18 Barton] appeared on her birth certificate will be very important. What is her legal
19 name, where has she lived at any time, where was she born? I will look more into
this issue in a few days when I finish with depositions.”

20 16.

21 Dawson knew that he had a problem. He had a signed contingency fee agreement for
22 what he knew was likely to be a highly profitable and ground-breaking case against the State of
23 Oregon and other parties. However, that contingent fee agreement had been signed by “Stephen
24 Brown, [a]s Personal Representative of the Estate of Michael Thomas Barton.” In order to keep
25 this substantial case and the opportunity it would provide for Dawson to gain both the financial
26 benefits and the reputation-enhancing benefits of winning this promising wrongful death case,

1 Dawson needed to ensure that Stephen Brown -- and not any other party -- was appointed as
2 personal representative for the Estate of Michael Barton. The actions taken by Bryan Dawson,
3 the Dawson Law Group, PC, and Stephen Brown in the following months to ensure that Malinda
4 Brown was not made aware of either the filing of the petition to open the estate or the wrongful
5 death action included misrepresenting Dawson's knowledge and actions in their filings with the
6 Marion County Circuit Court and the conscious decision to take whatever steps they deemed
7 necessary to prevent Plaintiff Malinda Barton from learning of the probate, the lawsuit, the
8 settlement, and the distribution of the settlement proceeds. As alleged below, those actions
9 constituted a fraudulent failure to disclose material facts intended to deceive and defraud
10 Malinda Barton, and Defendant Dawson was complicit in that fraud. At all material times herein,
11 Dawson enabled and aided Stephen Brown to commit what Dawson and Stephen Brown knew to
12 be a fraud against Malinda Barton.

13 17.

14 ORS 113.035(5) requires that a petition for appointment of a personal representative include
15 the names, relationship to the decedent, and post-office addresses of persons who are or would be
16 the heirs of the decedent upon the intestate death of the decedent. ORS 113.035(6) requires that the
17 petition include a statement that reasonable efforts have been made to identify and locate all heirs of
18 the decedent. If the petitioner in a probate knows of any actual or possible omissions from the list of
19 heirs, the petition must include a statement indicating that there are omissions from the information
20 relating to heirs. These requirements are again specifically set forth in ORS 114.453(2)-(3) which
21 addresses probate estates opened for the sole purpose of pursuing a wrongful death claim. The sole
22 difference between the requirements of ORS 113.035 (5)-(6) and ORS 114.453(2)-(3) is that one
23 requires notice to heirs and the other to beneficiaries. However, Plaintiff Malinda Barton was and is
24 Michael Barton's sole surviving biological child, his only surviving intestate heir, and his only
25 wrongful death beneficiary, and she should have received notice in either circumstance.

26 /// /// ///

18.

The Petition for Appointment of Personal Representative filed in the Marion County Circuit Court as 19PB08559 on November 9, 2019 ("Petition") contained Stephen Brown's sworn statement that, "Petitioner is aware of no person or persons who ascertain interest in the estate other than those named herein." This statement is false. The Petition listed Stephen Brown and Terrill Tatum Brown as the only heirs of the decedent. This statement is also false. At the time that the Petition was filed, Bryan Dawson, Stephen Brown, and Terrill Barton Tatum were all aware that this statement was untrue.

19.

On August 15, 2019, Stephen Brown had texted his sister Terrill Barton Tatum, and stated:

"I talked with the lawyer [Bryan Dawson] again today and he said if she is his daughter, everything could go to her [Malinda] if we filed the lawsuit."

20.

On October 4, 2019, Dawson emailed Stephen Brown, stating:

"Stephen please take a stab at locating her through family connections, etc. What we may do is try to find her, and I may hire a private investigator, and then tell the court that we did everything reasonable but couldn't make contact. If you do reach her, maybe propose a 50% split with you doing the labor to try to pursue the claim."

Brown replied,

"I can find her, no need to hire a private investigator. The question is: can we have her do a blood test? Second question: is she listed as his daughter on the birth cert.? if so, does that stand? Or, does she need blood proof? I don't believe she is his blood. Would her address or phone number be better for you? I'll ask my sister to try to get the info. Wouldn't it be a 33% split with her, myself and my sister? If my sister signed off due to not wanting to have her Social Security screwed up it would be a %50 split."

Dawson responded,

"100% goes to a child, so that's vital. I'll check my Lexis report to see if a father's listed. You may be able to get her birth certificate, I'll check."

1 21.

2 However, Stephen Brown already knew where his niece Malinda Barton lived and how to
3 reach her. He had texted her almost two months prior. On August 15, 2019, Stephen Brown had
4 sent Malinda Barton the following message via Facebook Messenger,

5 “Hi Mindy. How are you? What’s your address and birthday?”
6 ‘Mindy’ was Malinda Barton’s childhood nickname.

7 22.

8 The problem with locating Malinda Barton was not that Stephen Brown was unable to do
9 so; rather, the issue was that Brown had no intention of pursuing the wrongful death litigation if
10 the proceeds would go to Malinda Barton. The failure to provide her with notice of these
11 proceedings was deliberate.

12 23.

13 On July 25, 2019, Stephen Brown texted his sister Terrill Tatum Barton, saying:

14 “Honestly, if you [Terrill] tell him [her son Anthony] and he tells Melinda [sic],
15 I’m not even interested in moving forward. I don’t want to put myself through all
16 that shit just to benefit someone [Malinda] who hated Mike.”

17 24.

18 On October 7, 2019, Stephen Brown emailed Dawson and told him that he had Malinda
19 Barton’s phone number. Dawson replied,

20 “Good work. Hold off on calling her until I figure out if we can get her birth
21 certificate.”

22 On October 21, 2019, Dawson emailed Stephen Brown, stating:

23 “I’m fine with just submitting the papers to have you appointed as the personal
24 representative. This leaves some risk that Malinda could emerge later with a birth
25 certificate and take all of the money recovered. This appears to be unlikely
26 because Michael isn’t listed as her relative on the Lexis report.”

Stephen Brown replied,

“I feel pretty confident moving forward.”

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25.

Dawson proceeded to file the Petition to open the estate and appoint Stephen Brown as personal representative without first contacting Malinda Barton.

26.

Under ORS 113.035(6), Dawson was required to notify the Court of Malinda Barton’s status as a potential heir in the petition to open the estate. However, rather than making a statement that reasonable efforts had been made to identify and locate all heirs of the decedent and a statement indicating that there were omissions from the information relating to heirs, Dawson included the following carefully worded language,

“Petitioner is aware of no person or persons who ascertain interest in the estate other than those named herein.”

It is unclear exactly what “ascertain interest in the estate” is supposed to have meant, but there can be no question that Dawson was aware that there was another party with an interest or potential interest in the estate, namely Malinda Barton. Dawson also specifically added the word “*known*” when providing a list of the heirs in Section 5 of the Petition, “Information regarding the *known* heirs of the decedent,” apparently so that he could omit Malinda Barton, the potential, rather than known, heir.

27.

The Petition was filed on November 4, 2019, and on December 9, 2019, Stephen Brown was appointed personal representative for the Estate of Michael T. Barton in Marion County Case No. 19PB08559. Once Stephen Brown was appointed, he continued his efforts to exclude Malinda Barton from the estate of her father and wrongful death proceedings.

28.

ORS 113.145 requires that, “[u]pon appointment a personal representative shall deliver or mail to the devisees, heirs and the persons described in ORS 113.035 (8) and (9) who were required to be named in the petition for appointment of a personal representative...” ORS

1 114.456, which specifically sets forth the requirements for administration of a wrongful death
2 estate, has the same requirement that “[a] personal representative appointed under ORS 114.453
3 shall deliver or mail to the beneficiaries at their last-known address information that must
4 include...” Upon his client’s appointment as personal representative, Dawson and Stephen
5 Brown had both an opportunity to correct the (intentional) omission of Malinda Barton from the
6 list of heirs in the petition, and a statutory obligation to do so.

7 29.

8 Despite the mandatory requirements of ORS 113.145/ORS 114.456, no Notice was sent
9 to Plaintiff Malinda Barton at the time of Stephen Brown’s appointment.

10 30.

11 On January 24, 2020, Dawson, as the attorney for Stephen Brown, Personal
12 Representative of the Estate of Michael Barton, filed Marion County Case No. 20CV04714. The
13 21-page Complaint for negligence, negligence *per se*, violations of civil rights, wrongful death,
14 disability discrimination, and spoliation sought compensatory and punitive damages of
15 \$120,000,000. The case was eventually removed to federal court.

16 31.

17 According to the Petition for Approval and Authority to Settle Wrongful Death Claim
18 and Supporting Declaration of Bryan Dawson filed in the estate proceeding on October 20,
19 2020, a second mediation on the federal wrongful death case resulted in a proposed settlement of
20 \$3,000,000. The Petition included a breakdown of how the funds from the proposed settlement
21 would be distributed, including \$1,899,757.39 to the “Intestate Heirs.” At all material times
22 through and including this date Plaintiff Malinda Barton had not been provided with any form of
23 notice of the probate, the lawsuit, the meditations, or the proposed settlement. Further, she had
24 no actual notice of any of these proceedings.

25 /// /// ///

26 /// /// ///

32.

On October 29, 2020, Dawson filed a “Statement Under ORS 116.083(4) in Lieu of Final Accounting and Petition for General Judgment of Final Distribution” (Verified Statement) seeking authorization to pay the Personal Representative and attorney fees and costs and distribute the assets of the Estate. Page 3 of the Verified Statement included the statement that, “[n]o Notice is required because the beneficiaries entitled to notice have waived the requirement that they be served with notice and have signed a Waiver of Notice and Consent. The Waiver and Consents are filed concurrently with this Verified Statement.” This statement was false, and Dawson knew it was false when it was made.

33.

A document filed concurrently with the Verified Statement on October 29, 2020, titled “Waiver and Consent of Heirs,” was signed only by Terrill Barton Tatum, Amanda Jean Barton, and Stephen Brown. Dawson had again failed to follow the statutory requirements regarding notice prior to attempting to close the estate. ORS 113.145(5) states:

“If before the filing of the final account the personal representative has actual knowledge that the petition did not include the name and address of any person described in ORS 113.035 (4), (5), (7), (8) or (9), the personal representative shall:

- (a) Make reasonable efforts under the circumstances to ascertain each of those names and addresses;
- (b) Promptly deliver or mail information specified in subsection (1) of this section to each of those persons located after the filing of the petition and before the filing of the final account; and
- (c) File in the estate proceeding, on or before filing the final account under ORS 116.083, proof of compliance with this subsection or a waiver of notice as provided under ORS 111.225.”

ORS 114.456(4) requires the same notice to beneficiaries of wrongful death estates. Again, despite these statutory requirements, Plaintiff Malinda Barton was not given notice despite Dawson and Stephen Brown’s knowledge of her status and whereabouts.

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/// /// ///

1 34.

2 On October 20, 2020, the Marion County Probate Department issued a notice to Bryan
3 Dawson as the attorney for the Personal Representative in response to the submission of a
4 proposed order approving the wrongful death settlement. That notice stated that,

5 "PER JUDICIAL REVIEW 1) NO WRONGFUL DEATH ASSETS, ALL
6 PROBATE REQUIREMENTS MUST BE MET BEFORE DISTRIBUTION. 2)
7 TO HAVE THE SETTLEMENT APPROVED, INFORMATION TO DHS AND
8 NOTICE OF TIME TO OBJECT TO THE HEIRS (OF THE MOTION TO
9 APPROVE SETTLEMENT) W/PROOF OF SERVICE IS REQUIRED."

10 35.

11 On November 6, 2020, Dawson's office filed Waivers of Notice and Consent to Personal
12 Representative's Petition for Approval and Authority to Settle Wrongful Death Claim
13 signed by Terrill Barton Tatum, Amanda Jean Barton, and Stephen Brown. Also filed was an
14 Affidavit of Mailing the information required by ORS 113.145/ORS 114.456 to the Oregon
15 Department of Human Services/Estate Administration Unit. However, once again, despite the
16 clear requirements of ORS 113.145/ORS 114.456 to provide notice to the heirs/wrongful death
17 beneficiaries of the decedent and the Personal Representative and Dawson's knowledge of
18 Malinda Barton's whereabouts, no notice was sent to Malinda Barton.

19 36.

20 On November 12, 2020, Bryan Dawson wrote a letter to the Marion County Probate
21 Judge asking the Court to expedite the approval of the settlement and distribution of the
22 settlement proceeds. In his letter, Dawson asked the Court to excuse his failure to follow the
23 probate requirements based on his lack of information about the decedent and his assets.
24 Dawson acknowledged that his client, the decedent's half-brother, had little contact in the years
25 prior to Michael Barton's death. Dawson's letter stated that,

26 "...my primary source for information about the decedent came from a Mental
Status Evaluation dated March 9, 2017, which we received during discovery in
the wrongful death lawsuit. The report confirmed that Mr. Barton's only surviving
heirs were his siblings. The report also showed that Mr. Barton had several mental
health disorders, a history of drug and alcohol abuse, and a long criminal record.

1 The evaluation assessed whether Mr. Barton could be found culpable for an
2 alleged March 2, 2016 bank robbery... The report concluded that Mr. Barton felt
remorse for his crime but otherwise lacked capacity.”

3 Dawson then asked the Court to bifurcate the handling of the \$6,000 in probate assets from
4 the \$3,000,000 in wrongful death proceeds, as “Mr. Barton’s heirs have significant need to
5 receive funds in the near future.” Dawson stated that “[w]e intend to follow all of the other
6 requirements concerning the non wrongful death funds.”

7 37.

8 Dawson’s statements in his letter to the Probate Court were false. He was not relying
9 solely on the Mental Status Evaluation as he claimed, as he had information from his own client
10 that there was another heir – namely Malinda Barton, the decedent’s daughter.

11 38.

12 On November 13, 2020, the Honorable Claudia Burton signed an Order approving the
13 wrongful death settlement of \$3,000,000. Malinda Barton, the decedent’s sole surviving intestate
14 heir and wrongful death beneficiary under Oregon statutes, had never been given an opportunity to
15 see the proposed settlement or review its terms. In fact, she had never even been provided notice
16 of the opening of her father’s estate or the filing of the wrongful death action.

17 39.

18 Having obtained approval of the settlement, Dawson and Brown moved forward with
19 filing a Petition for Approval to Distribute Wrongful Death Damages on November 18, 2020.
20 Once again, the Petition contained an assertion that “[a]ll the heirs have waived their right to
21 notice and have consented to this petition and proposed order.” This statement was false, and
22 Dawson and Stephen Brown knew it was false when made. Consents and waivers signed by
23 Terrill Barton Tatum, Amanda Jean Barton, and Stephen Brown were filed, but no notice had
24 given to Malinda Barton and she did not consent to the petition and proposed order.

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40.

The Probate Court issued a notice to Dawson on November 19, 2020, asking for clarification regarding the amount of the proposed distribution to Dawson’s client, Stephen Brown. In response to that notice, Dawson filed a letter that included the following:

“Thank you for the November 19, 2020 letter concerning the proposed ORDER TO DISTRIBUTE WRONGFUL DEATH DAMAGES. The paragraph C distribution to Stephen Brown does not include the personal representative fee. The three beneficiaries agreed to this arrangement based on Mr. Brown being the person who pursued this claim from the beginning.

“Mr. Brown participated in the investigation by Disability Rights Oregon which brought to light the circumstances of Michael Barton’s death. Mr. Brown then retained counsel, gave a very effective deposition, attended two mediations, and was active in the wrongful death lawsuit through several meetings and dozens of phone calls and emails with counsel. He not only fulfilled the office of personal representative, but was the key person who prevented Mr. Barton’s death from passing into obscurity.

“The other heirs agreed to the apportionment based on Mr. Brown’s indispensable role.”

41.

Dawson continued to disregard Malinda Barton’s status as the decedent’s biological child, intestate heir, and wrongful death beneficiary. The “other heirs” that agreed to the proposed distribution of wrongful death damages did not include Malinda Barton.

42.

The Court approved the distribution of \$2,939,369.55 of the wrongful death settlement to Dawson, Terrill Barton Tatum, Amanda Jean Barton, and Stephen Brown on November 24, 2020. Dawson had now accomplished his primary goals: he had settled the case against ODOC and others, received his \$1 million contingency fee plus his advanced costs, and distributed a combined total of \$1,893,757.39 to Stephen Brown Amanda Barton, and Terrill Barton Tatum. His final task was to get his client discharged as personal representative and close the estate.

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43.

Even though the Probate Court was requiring proof that the required notices under ORS 113.145/ORS 114.456 had been sent, Dawson and his client continued to try to keep Malinda Barton from learning about the probate estate and the settlement. The Affidavit of Mailing filed on January 8, 2021, only listed mailings to Terrill Barton Tatum, Amanda Jean Barton, and Stephen Brown. Nothing was mailed to Malinda Barton.

44.

Dawson's office also finally published the required Notice to Interested Persons on January 12, 19, and 26, 2021.

45.

On or about May 11, 2021, Malinda Barton found an article published in the Salem Statesman Journal on January 29, 2020 detailing the wrongful death lawsuit. She contacted her aunt, Terrill Tatum Barton, via Facebook Messenger to confirm that she, Michael Barton's sole heir, had been intentionally left out of the lawsuit and denied her share of the settlement proceeds. Stephen Brown and Terrill Barton Brown responded by blocking her from communicating with them. Stephen Brown then deleted his Facebook account. Text messages between Terrill Tatum Barton and Stephen Brown demonstrate their escalating concern that they were about to be found out.

46.

Malinda Barton also contacted Bryan Dawson's office by email on May 11, 2021 identifying herself as Michael Barton's daughter. Her email stated that she was in frequent contact with both her aunt Terrill Barton Tatum and her uncle Stephen Brown, and that they had always known how to contact her. Malinda Barton, believing that her uncle and aunt had never told Dawson of her existence, asked Dawson for his help. Dawson replied via email on May 12, 2021 that he was out of the office on vacation but would respond to her when he returned to the office on Wednesday (presumably May 19, 2021).

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47.

On May 21, 2021, Dawson sent Malinda a letter via email asking her to provide her birth certificate. Malinda replied that day acknowledging that she had received the letter.

48.

The next known action by Dawson and his client was not to provide Malinda Barton with more information and/or send her the notices she was entitled to receive as Michael Barton’s child, heir, and wrongful death beneficiary. Instead, on or about June 4, 2021, Dawson submitted a proposed Order approving the Verified Statement he had filed on October 29, 2020. However, the Probate Court issued yet another notice informing Dawson that the proposed order could not be signed because he had not filed a satisfaction or disallowance of a claim filed by General Credit Service, Inc.

49.

Dawson and his client proceeded to try to close the estate before Malinda Barton could take any effective action. Dawson reached out to another attorney well-known in the local community for handling estate administration to get assistance in closing the estate proceeding. The attorney officially substituted in for Dawson on June 8, 2021.

50.

On July 15, 2021, the new attorney sent Malinda Barton a custom-crafted “Notice of Time to Object” that combined elements of the statutorily required information to heirs and a notice of time to object to a final accounting. That notice read, in part:

“Be aware that if you present proof to the probate court sufficient that it determines you are an heir of decedent you will have rights that will be affected by this proceeding.

Any such effort will be barred unless you file appropriate pleadings in the probate matter within 23 days of the date of mailing of this notice.”

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1 51.

2 While 23 days is the required objection period for a final estate accounting, it is certainly
3 not the period of time intended to be provided for an heir or beneficiary to assert an interest in an
4 estate. Based upon information and belief it appears probable that Dawson and Stephen Brown
5 were hoping that, by providing this artificially short time for Malinda Barton to object, that she
6 would be unable to retain counsel to assist her in filing the necessary objections.

7 52.

8 Texts between Terrill Tatum Barton and Stephen Brown on or about July 15, 2021
9 discuss the need to wait three weeks “to get to the finish line” when there would be “no more
10 stress.” Stephen Brown cautioned his sister Terrill not to spend any money for the next two
11 weeks “because if you are patient, things could possibly be fine or fucked. Just chill in your
12 garden or go to the lake for 2 weeks.” Stephen went on to say that, “I have been told I can’t buy a
13 home till [sic] it’s over. I am the one who is doing all the work still. All you have to do is fucking
14 chill.”

15 53.

16 On August 3, 2021, Malinda Barton, by and through counsel, filed a Notice of
17 Appearance and Objection. Included as Exhibit A to that Notice was a copy of Malinda Barton’s
18 birth certificate listing Michael Barton as her father.

19 54.

20 Malinda Barton eventually settled her claims against Stephen Brown and Terrill Tatum
21 Barton via a settlement agreement signed on October 28, 2021. That settlement was based on
22 factors other than the merits of Malinda Barton’s claims. She did not, however, settle or release
23 her claims against Bryan Dawson and the Dawson Law Group, PC.

24 55.

25 At all material times herein, Stephen Brown as personal representative of the estate of
26 Michael T. Barton, deceased, owed fiduciary duties to Malinda Barton. Those fiduciary duties

1 included the providing of the notices required by the probate statues, and to provide her with the
2 material facts that she would have needed to protect her interests. At all material times herein,
3 Stephen Brown knowingly and intentionally breached the fiduciary duties which he owed to her,
4 as alleged above. At all material times herein, Defendants Bryan Dawson and Dawson Law
5 Group, PC were aware of the existence of Malinda Barton and her potential claims as an heir of
6 Michal Barton and wrongful death beneficiary.

7 56.

8 At all material times herein, Defendants Bryan Dawson and Dawson Law Group, PC
9 were aware of the fiduciary duties owed by Stephen Brown, as personal representative, to
10 Malinda Barton. At all material times herein, Defendants Bryan Dawson and Dawson Law
11 Group, PC were aware that Stephen Brown was breaching his fiduciary duties owed to Malinda
12 Barton. At all material times herein, Defendants Bryan Dawson and Dawson Law Group, PC
13 colluded with and knowingly assisted Stephen Brown in committing the breaches of fiduciary
14 duties, as alleged above. This collusion with Stephen Brown and Dawson's assistance to him in
15 breaching his fiduciary duties constituted a fraud on Malinda Barton, as it was done, in part, to
16 protect Dawson's contingency fee agreement and Dawson's contractual interest to one-third
17 (33%) of the damages obtained through the settlement. Dawson's collusion and assistance was a
18 substantial factor in causing harm to Malinda Barton.

19 57.

20 After all just credits and offsets have been made, Plaintiff Malinda Barton has been
21 damaged by Bryan Dawson and the Dawson Law Group, PC in the sum of \$1,493,757.

22 /// /// ///

23 /// /// ///

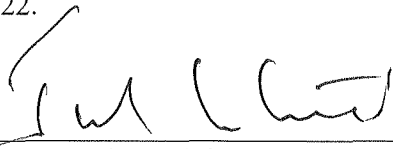
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1 WHEREFORE, Plaintiff Malinda Barton prays for judgment against Defendants Bryan
2 Dawson and Dawson Law Group, PC, jointly and severally, in the sum of \$1,493,757, plus
3 interest at the statutory rate from November 24, 2020 until paid.

4
5 DATED this 25th day of October, 2022.

6
7 
8 _____
9 James R. Cartwright, OSB No. 750675
10 Attorney for Plaintiff
11

12 **PLAINTIFF**

13 Malinda Barton
14 25408 Edgewood Road
15 Weed, California 96094

16 **ATTORNEY FOR PLAINTIFF**

17 James R. Cartwright, OSB No. 750675
18 Cartwright Law PC
19 6500 S Macadam Ave, Suite 300
20 Portland, OR 97239
21 t: 503.226.0111
22 f: 503.226.3022
23 e: jcartwright@cart-law.com
24
25
26

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

MALINDA BARTON,

Plaintiff,

vs

Case No. 22CV35232

DAWSON LAW GROUP, PC, an Oregon
Professional Corporation, and BRYAN

Defendant.

PROOF OF SERVICE

State of Oregon)

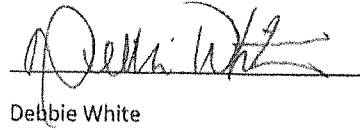
County of Clackamas)

I, Debbie White, hereby certify that I am a competent and over the age of 18 years, a resident of .
The State of Oregon and not a party to, employee of, nor an attorney in the above-entitled cause
and that I served a true copy of: *Summons; Complaint; & Plaintiff's First Request for Production of
Documents*

Service Made Upon: **Dawson Law Group PC**, by leaving such true copy with: Heather Runyon,
Legal Assistant and Person Authorized for Karen B. Dawson, President/Registered Agent; at:
5695 Hood Street, West Linn, Oregon on October 19, 2022 at 11:09 AM.

I hereby certify that the person served by me is the identical person served by me is the identical
person named in the action .

Dated: October 19 2022

A handwritten signature in black ink, appearing to read "Debbie White", is written over a horizontal line.

Debbie White

On-Call Legal Courier Services, LLC

PO Box 33841

Portland, OR 97292

(503) 880-2475

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

MALINDA BARTON,

Plaintiff,

vs

Case No. 22CV35232

DAWSON LAW GROUP, PC, an Oregon
Professional Corporation, and BRYAN

Defendant.

PROOF OF SERVICE

State of Oregon)

County of Clackamas)

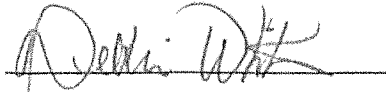
I, Debbie White, hereby certify that I am a competent and over the age of 18 years, a resident of .
The State of Oregon and not a party to, employee of, nor an attorney in the above-entitled cause
and that I served a true copy of: *Summons; Complaint; & Plaintiff's First Request for Production of
Documents*

Service Made Upon: Bryan Dawson, by leaving such true copy with: Heather Runyon,
Legal Assistant and Person Authorized to accept where he maintains an office for the conduct of
Business; at: 5695 Hood Street, West Linn, Oregon on October 19, 2022 at 11:09 AM.

\

I hereby certify that the person served by me is the identical person served by me is the identical
person named in the action .

Dated: October 19 2022

A handwritten signature in black ink, appearing to read "Debbie White", written over a horizontal line.

Debbie White

On-Call Legal Courier Services, LLC

PO Box 33841

Portland, OR 97292

(503) 880-2475

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MALINDA BURTON,

Case No. 22CV35232

Plaintiff,

vs

PROOF OF SERVICE

DAWSON LAW GROUP, PC an Oregon
Professional Corporation, and **BRYAN**
DAWSON, individually,

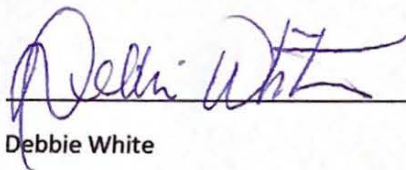
State of Oregon)
County of Clackamas)

I, Debbie White, hereby certify that I am a competent and over the age of 18 years, a resident of .
The State of Oregon and not a party to, employee of, nor an attorney in the above-entitled cause
and that I served a true copy of: *Summons; Amended (Corrected) Complaint; & Plaintiff's First*
Amended (Corrected) Request for Production of Documents to Defendant Bryan Dawson

Service Made Upon: **Bryan Dawson**, by leaving such true copy with: Michelle Tafoya, Legal
Assistant and Person Authorized to Accept on his behalf and where he maintains an office for the
conduct of business at: 5695 Hood Avenue, West Linn, Oregon on November 4, 2022 at 11:45 AM.

I hereby certify that the person served by me is the identical person served by me is the identical person named in the action .

Dated: November 4, 2022

A handwritten signature in purple ink, appearing to read "Debbie White", is written over a horizontal line.

Debbie White

On-Call Legal Courier Services, LLC

PO Box 33841

Portland, OR 97292

(503) 880-2475

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MALINDA BURTON,

Case No. 22CV35232

Plaintiff,

vs

PROOF OF SERVICE

DAWSON LAW GROUP, PC an Oregon
Professional Corporation, and BRYAN
DAWSON, individually,

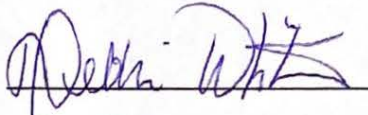
State of Oregon)
County of Clackamas)

I, Debbie White, hereby certify that I am a competent and over the age of 18 years, a resident of .
The State of Oregon and not a party to, employee of, nor an attorney in the above-entitled cause
and that I served a true copy of: *Summons; Amended (Corrected) Complaint; & Plaintiff's First
Amended (Corrected) Request for Production of Documents* to Defendant Dawson Law Group, PC

Service Made Upon: **Dawson Law Group, PC** by leaving such true copy with: Michelle Tafoya, Legal
Assistant and Person Authorized to Accept on behalf of Karen B. Dawson, President/Registered Agent;
at: 5695 Hood Avenue, West Linn, Oregon on November 4, 2022 at 11:45 AM.

I hereby certify that the person served by me is the identical person served by me is the identical person named in the action .

Dated: November 4, 2022



Debbie White

On-Call Legal Courier Services, LLC

PO Box 33841

Portland, OR 97292

(503) 880-2475

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6 IN THE CIRCUIT COURT OF THE STATE OF OREGON
7 FOR THE COUNTY OF MULTNOMAH

8 MALINDA BARTON,) Case No. 22CV35232
9)
10 Plaintiff,) **DEFENDANTS DAWSON LAW**
11) **GROUP, PC AND BRYAN**
12 v.) **DAWSON'S NOTICE TO STATE**
13) **COURT OF REMOVAL OF**
14 DAWSON LAW GROUP, PC, an Oregon) **ACTION UNDER 28 U.S.C. §§ 1332,**
15 Professional Corporation, and BRYAN) **1441, AND 1446 (DIVERSITY OF**
16 DAWSON, individually,) **CITIZENSHIP)**
17 Defendants.) Prayer: In Excess of \$50,000.00
18)
19 Fee Authority: ORS 21.160(1)(d)
20)
21 **NOT SUBJECT TO MANDATORY**
22 **ARBITRATION**
23 _____)

24 **TO: CLERK OF THE ABOVE-ENTITLED COURT**

25 Pursuant to 28 U.S.C. § 1446(d), Defendants Dawson Law Group, PC and Bryan Dawson
(collectively, "Dawson") hereby provides notice to this Court that on this day, November 11,
2022, it removed this matter to the United States District Court for the District of Oregon,
Portland Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 (diversity of citizenship).

22 ///

23 ///

24 ///

25 ///

1 A file-stamped copy of the Notice of Removal is marked as Exhibit 1 (excluding Exhibit
2 A, which is a copy of the state court file, and Exhibit B, which is a copy of this Notice) is
3 attached hereto.

4 DATED this 11th day of November, 2022.

5 DAVIS ROTHWELL
6 EARLE & XÓCHIHUA, P.C.

7 

8 Christopher J. Drotzmann, OSB No. 962636

9 cdrotzmann@davisrothwell.com

10 Nicholas V. Beyer, OSB No. 193304

11 nbeyer@davisrothwell.com

12 Of Attorneys for Defendants

13 Trial Attorney: Christopher J. Drotzmann
14 OSB No. 962636

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANTS DAWSON LAW GROUP, PC AND BRYAN DAWSON'S NOTICE TO STATE COURT OF REMOVAL OF ACTION UNDER 28 U.S.C. §§ 1332, 1441, AND 1446 (DIVERSITY OF CITIZENSHIP)** on the following attorney(s) of record:

Mr. James R. Cartwright, OSB No. 750675
Cartwright Law PC
6500 S Macadam Avenue, Suite 300
Portland, OR 97239
Telephone: 503/226-0111
Facsimile: 503/226-3022
Email: jcartwright@cart-law.com
Of Attorneys for Plaintiff

by mailing to the foregoing a true copy thereof, placed in a sealed envelope, with postage prepaid, addressed as listed above, and depositing the same in the United States mail through a post office at Portland, Oregon, on this day, *and by e-filing and service through the Oregon e-court file and serve system if registered as a service contact.*

DATED this 11th day of November, 2022.

DAVIS ROTHWELL
EARLE & XÓCHIHUA, P.C.



Christopher J. Drotzmann, OSB No. 962636
cdrotzmann@davisrothwell.com
Nicholas V. Beyer, OSB No. 193304
nbeyer@davisrothwell.com
Of Attorneys for Defendants



Business Name Search

[New Search](#) [Printer Friendly](#)

Business Entity Data

11-11-2022
11:17

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
154687-13	DPC	ACT	OREGON	07-29-1981	07-29-2023	
Entity Name	DAWSON LAW GROUP, P.C.					
Foreign Name						

[New Search](#) [Printer Friendly](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	5695 HOOD ST					
Addr 2						
CSZ	WEST LINN	OR	97068		Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT			Start Date	06-19-2019	Resign Date	
Of Record	473524-97	LAW OFFICE OF KAREN B. DAWSON, P.C.						
Addr 1	5695 HOOD ST							
Addr 2								
CSZ	WEST LINN	OR	97068		Country	UNITED STATES OF AMERICA		

Type	MAL	MAILING ADDRESS				
Addr 1	5695 HOOD ST					
Addr 2						
CSZ	WEST LINN	OR	97068		Country	UNITED STATES OF AMERICA

Type	PRE	PRESIDENT			Resign Date	
Name	BRYAN		DAWSON			
Addr 1	5695 HOOD ST					
Addr 2						
CSZ	WEST LINN	OR	97068	Country	UNITED STATES OF AMERICA	

Type	SEC	SECRETARY			Resign Date	
Name	KAREN		DAWSON			
Addr 1	5695 HOOD ST					

Addr 2					
CSZ	WEST LINN	OR	97068	Country	UNITED STATES OF AMERICA

[New Search](#) [Printer Friendly](#)















Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
DAWSON LAW GROUP, P.C.	EN	CUR	01-14-2013	
DAWSON & DAWSON P.C. ATTORNEYS AT LAW	EN	PRE	03-25-1999	01-14-2013
LARRY DAWSON, P.C.	EN	PRE	07-29-1981	03-25-1999

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Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	07-14-2022		FI		
	AMENDED ANNUAL REPORT	07-05-2021		FI		
	AMENDED ANNUAL REPORT	06-17-2020		FI		
	AMENDED ANNUAL REPORT	06-19-2019		FI	Agent	
	AMENDED ANNUAL REPORT	07-13-2018		FI		
	AMENDED ANNUAL REPORT	06-12-2017		FI		
	AMENDED ANNUAL REPORT	06-16-2016		FI		
	AMENDED ANNUAL REPORT	06-22-2015		FI		
	AMENDED ANNUAL REPORT	06-26-2014		FI		
	AMENDED ANNUAL REPORT	06-22-2013		FI		
	ARTICLES OF AMENDMENT	01-14-2013		FI	Name	
	AMENDED ANNUAL REPORT	06-18-2012		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	05-21-2012		FI		
	AMENDED ANNUAL REPORT	07-26-2011		FI	Agent	
	ANNUAL REPORT PAYMENT	08-02-2010	07-30-2010	SYS		
	ANNUAL REPORT PAYMENT	07-06-2009		SYS		
	ANNUAL REPORT	07-11-2008		SYS		

	PAYMENT					
	ANNUAL REPORT PAYMENT	06-19-2007		SYS		
	ANNUAL REPORT PAYMENT	07-17-2006		SYS		
	ANNUAL REPORT PAYMENT	06-23-2005		SYS		
	ANNUAL REPORT PAYMENT	07-28-2004		SYS		
	ANNUAL REPORT PAYMENT	07-18-2003		SYS		
	ANNUAL REPORT PAYMENT	07-26-2002		SYS		
	ANNUAL REPORT PAYMENT	06-15-2001		SYS		
	CHANGED RENEWAL	08-16-2000		FI		
	STRAIGHT RENEWAL	08-11-2000		FI		
	STRAIGHT RENEWAL	06-17-1999		FI		
	ENTITY NAME CHANGE	03-25-1999		FI		
	STRAIGHT RENEWAL	07-13-1998		FI		
	AMENDED RENEWAL	09-05-1997		FI		
	STRAIGHT RENEWAL	06-18-1996		FI		
	AMENDED RENEWAL	08-02-1995		FI		
	STRAIGHT RENEWAL	06-22-1994		FI		
	STRAIGHT RENEWAL	07-08-1993		FI		
	AMENDED RENEWAL	06-19-1992		FI		
	STRAIGHT RENEWAL	06-26-1991		FI		
	AMENDED RENEWAL	07-03-1990		FI		
	AMENDED RENEWAL	06-19-1989		FI		
	AMENDED RENEWAL	06-23-1988		FI		
	STRAIGHT RENEWAL	06-18-1987		FI		
	STRAIGHT RENEWAL	07-07-1986		FI		
	STRAIGHT RENEWAL	05-30-1985		FI		

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